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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,643	10/15/2003	David Morrow	WLI 1096 PUS	2642

27256 7590 02/05/2007
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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/605,643

Applicant(s)

MORROW ET AL.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Oliver (2031384) and Harmala et al (5320386). Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) however it fails to disclose the use of inner shafts to strengthen the handle. Oliver discloses the use of hollow metal tubes in handles is old in the art (fig 2, 1:47-50). Harmala et al discloses using reinforcing inserts to strengthen the handle (4:31-52). At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to have utilized the reinforcement means shown in Oliver and Harmala et al with the lacrosse handle in order to increase the structural strength of the handle to prevent damage to the handle caused by normal impact from playing the game. Because the Applicant has not disclosed that forming the handle in a polygon shape or having two inserts, provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the handle taught by Harmala or the claimed polygon handle with two inserts because both handles perform the same function of providing means to hold and use the lacrosse head. Therefore, it would

Art Unit: 3711

have been an obvious matter of design choice to utilize any one of several equivalent handle cross sections based on cost and design considerations.

As to claims 36 and 37: Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) .

As to claim 38 : Harmala discloses using a uniform wall thickness (fig 2).

As to claim 39 : Harmala discloses using a variety of materials (4:37-41).

Because the Applicant has not disclosed that using fiberglass as an insert, provides an advantage, is used for a particular purpose, or solves a stated problem. Therefore, it would have been an obvious matter of design choice to utilize any one of several equivalent handle cross sections based on cost and design considerations.

As to claims 40 and 45: See claim 35 rejection.

As to claims 41 and 46: See claim 36 rejection.

As to claims 42 and 47: See claim 37 rejection.

As to claim 43: See claim 38 rejection.

As to claims 44 and 48: See claim 39 rejection.

Response to Arguments

Applicant's arguments with respect to claims 35-48 have been fully considered but they are not persuasive.

The applicant argues that the cited art does not disclose a polygon shaped cross section. However the applicant's admitted prior art in the specification demonstrates that hexagonal shapes are well known in the art. Therefore this argument is not understood. It would have been obvious to one of ordinary skill in the art to have selected any one of

Art Unit: 3711

several equivalent shapes known to the designer based on design and marketing decisions.

The applicant also argues that the offsetting of reinforcing inserts is novel. Again looking at the cited art, Oliver discloses reinforcing inserts offset from the intermediate portion of the handle. The examiner fails to see any non-obvious novelty in the claims as they are currently stated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

Art Unit: 3711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5320386*2031384*3702702

Michael Chambers
Examiner
Art Unit 3711

February 1, 2007


EUGENE KIM
SUPERVISORY PATENT EXAMINER